UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,499	12/20/2001	Jon Eric Okholm	6533/53656	2002

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EXAMINER
DYKE, KERRI M

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/027,499	OKHOLM ET AL.
	Examiner	Art Unit
	Kerri M. Dyke	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 June 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-14 and 16-39_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4-31,35 and 36_ is/are rejected.

7)☒ Claim(s) _32-34 and 37-39_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Finality is withdrawn in view of the new reference, Rakoshitz et al. (US 6,816,903).

2.   Applicant's arguments with respect to claims 18-39 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 2, 4-8, 10, 11, 13, 14, 16-31, 35, and 36 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rakoshitz et al. (US 6,816,903).

5.   In regards to claim 1, Rakoshitz discloses a method facilitating the configuration of

parameters controlling utilization of a network resource, comprising the steps of: monitoring

utilization of a network resource with respect to a plurality of utilization classes; displaying

utilization classes; and, facilitating association of a displayed utilization class with a network

resource utilization control parameter operative to control utilization of the network resource,

wherein facilitating association includes providing a user interface allowing for selection of a

displayed utilization class and a desired network resource utilization control parameter. Figures

9-15 are examples of different monitoring screens offered by the user interface. Figure 19 is a

combined monitor and control screen. Column 16 lines 62-65 disclose that control of a

utilization parameter is facilitated by the graphical user interface. Figure 13 and column 21 lines

31-33 disclose that the user may select which utilization classes to display. Rakoshitz does not disclose displaying the most significant utilization classes based on a network statistic.

Column 4 lines 48-52 disclose the user interface is used by a network administrator to manage network resources. Official notice is taken that it would have been obvious to one of ordinary skill in the art to choose to display only the most significant utilization classes because doing so allows the network administrator to focus on the areas that have the greatest impact.

6.   In regards to claim 2, Rakoshitz discloses the method of claim 1 further comprising the step of: facilitating selection of additional utilization classes not presented in the displaying step and association of control parameters to the additional utilization classes (fig. 12 elements 1203 and 1207; col. 21 lines 24-27; fig. 19).

7.   Claim 4 is rejected upon the same grounds as claim 2.

8.   In regards to claim 5, Rakoshitz discloses the method of claim 1 further comprising the step of upon selection by user, associating a selected utilization class with control parameter selected by the user (figs. 8 and 19).

9.   In regards to claim 6, Rakoshitz discloses the method of claim 1 wherein the displaying step further comprises providing a user interface that displays the most significant utilization classes based on a utilization statistic; wherein the user interface allows for selection of a displayed utilization class and a desired control parameter (figs. 13 and 19).

10.   Claim 7 is rejected upon the same grounds as claim 2.

11.   In regards to claim 8, Rakoshitz discloses the method of claim 1 wherein the most significant utilization classes are displayed in an order relative to corresponding values of the network statistic (col. 18 lines 15-17).

12.   Claims 10, 11, and 13 are rejected upon the same grounds as claim 8.

13.   In regards to claim 14, Rakoshitz discloses the method of claim 1 further comprising the

steps of providing a set of selectable network statistics; receiving a selected utilization statistic

from a user; and, wherein the displaying step comprises displaying the most significant

utilization classes based on the selected network statistic (fig. 11).

14.   In regards to claim 16, Rakoshitz discloses the method of claim 1 wherein the network

statistic is a utilization statistic (fig. 13 element 1310; fig. 9 elements 923 and 925).

15.   In regards to claim 17, Rakoshitz discloses the method of claim 1 wherein the network

statistic is computed over a given analysis interval; and wherein the method further comprises

the steps of: allowing for selection of an analysis interval (col. 10 line 61 – col. 11 line 46).

16.   Claim 18 is rejected upon the same grounds as claim 1.

17.   Claims 19 is rejected upon the same grounds as claim 2.

18.   In regards to claim 20, Rakoshitz discloses the method of claim 18 wherein each

bandwidth control category maps to a set of bandwidth utilization controls (table 3).

19.   In regards to claim 21, Rakoshitz discloses the method of claim 18 wherein each

bandwidth utilization control is implemented by an aggregate data flow bandwidth utilization

control (col. 11 line 20-27; col. 29 line 30 – col. 30 line 12).

20.   In regards to claim 22, Rakoshitz discloses the method of claim 18 wherein the

bandwidth utilization control is implemented by a per-flow bandwidth utilization control (col. 11

lines 10-19; col. 29 line 30 – col. 30 line 12).

21.   In regards to claim 23, Rakoshitz discloses the method of claim 18 wherein the

bandwidth utilization control is implemented by at least one aggregate data flow bandwidth

utilization control and at least one per-flow bandwidth utilization control (col. 29 line 30 – col.

30 line 12).

22.   In regards to claim 24, Rakoshitz discloses the method of claim 18 wherein the

monitoring step further comprises the step of automatically creating new traffic classes in

response to data flows (col. 13 lines 43-56; col. 14 lines 34-58; fig. 8).

23.   Claim 25 is rejected upon the same grounds as claim 17.

24.   Claim 26 is rejected upon the same grounds as claim 1.

25.   Claim 27 is rejected upon the same grounds as claim 2.

26.   Claim 28 is rejected upon the same grounds as claim 17.

27.   Claim 29 is rejected upon the same grounds as claim 17.

28.   Claim 30 is rejected upon the same grounds as claim 24.

29.   Claim 31 is rejected upon the same grounds as claim 2.

30.   In regards to claim 35, Rakoshitz discloses the method of claim 1 wherein the facilitating

step comprises the steps of providing a user interface allowing for selection of a displayed

utilization class and a desired parameter (fig. 19).

31.   Claim 36 is rejected upon the same grounds as claim 16.

32.   Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rakoshitz et al. (US 6,816,903) in view of MacGregor et al. (US 5,396,621).

         Rakoshitz discloses the methods of claims 1 and 6, but do not disclose the columns being

sorted in descending order.

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MacGregor et al. discloses in column 10 lines 16-18 that their data can be sorted into

either descending or ascending order.

It would have been obvious to one of ordinary skill in the art to modify Rakoshitz to

accommodate for sorting in descending order, as taught by MacGregor. The motivation for

doing so would have been to allow the user to sort and view the data according to parameters

entered by the user as described in column 10 lines 13-18.

Allowable Subject Matter

33.   Claims 32-34 and 37-39 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

34.   The following is a statement of reasons for the indication of allowable subject matter:

Claims 32-34 indicated that the most significant utilization classes are based on a minimum

threshold percentage. Rakoshitz indicates in fig. 13 that the user may choose which classes to

display but not based on a minimum threshold percentage. Claims 37-39 indicate that the control

parameters are hierarchically inter-related. Rakoshitz does not teach any relation between the

control parameters.

Conclusion

35.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Travision et al. discloses a graphical user interface to help manage resources

associated with a single application. It does not display the most significant traffic classes based

on a network statistic. Service level agreements can be included (paragraph 0026), but the

interface does not allow for selection of a displayed bandwidth class with a utilization control
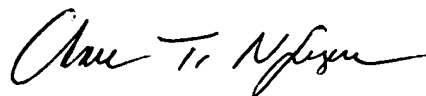
parameter. Rakoshitz et al. (US 6,578,077) discloses further information about the monitoring

interface disclosed in figures 9-15 of Rakoshitz (US 6,816,903). It does not include information

about the control section of the interface disclosed in figure 19 of Rakoshitz (US 6,816,903).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The

examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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